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Filing date: **01/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062710
Party	Plaintiff Kosher Supervision Service, Inc.
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Submission	Opposition/Response to Motion
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Signature	/Michael R. Friscia/
Date	01/19/2016
Attachments	Response to Motion to Dismiss.pdf(49086 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No.: 3,883,012
For the Mark: CUPK
Registration Date: November 30, 2010


KOSHER SUPERVISION SERVICE, INC.)	
)	
)	
Petitioner,)	
)	CANCELLATION NO. 92062710
v.)	
)	
YOEL STEINBERG D/B/A)	
CUPK KOSHER SUPERVISION)	
)	
Respondent.)	


RESPONSE TO MOTION TO DISMISS

Kosher Supervision Service, Inc. (“Petitioner”) submits this response to Respondent’s Consolidated Motion to Dismiss (“Motion to Dismiss”) filed by Yoel Steinberg d/b/a CupK Kosher Supervision (“Respondent”) in this proceeding.

Petitioner opposes the Motion to Dismiss on all grounds. Each of the allegations in Petitioner’s Petition for Cancellation (“Petition”) is adequately pled and meets the requirements of the Federal Rules of Civil Procedure and the Trademark Rules of Practice, 37 C.F.R. Part 2.

Furthermore, Petitioner’s service of the Petition was not defective. Petitioner served Respondent with a complete and exact copy of the Petition that Petitioner filed with the Board,

depicting Petitioner’s two design marks that form the basis for the Petition, namely,  (U.S.

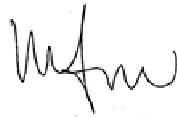
Registration No. 927,067) and  (U.S. Application No. 86/713,509). Along with the Petition, Petitioner served Respondent with a copy of the Board's ESTTA electronic filing receipt, which includes Petitioner's registration and application numbers (but does not depict the designs for these marks). Including the ESTTA receipt in the service copy did not negate Petitioner's timely and proper service of the Petition on Respondent.

All of the other arguments raised by Respondent are likewise without merit.

For the foregoing reasons, Petitioner respectfully requests that Respondent's Consolidated Motion to Dismiss be denied on all grounds.

Dated: January 19, 2016

Respectfully submitted,



By: _____

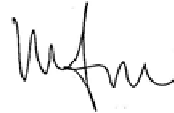
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Attorneys for Petitioner

CERTIFICATE OF SERVICE UNDER 37 CFR §§ 2.111

I hereby certify that the foregoing Response to Motion to Dismiss has been served via first class mail upon the Respondent on January 19, 2016, at the Respondent's address as reflected in the records of the U.S. Patent & Trademark Office, as follows:

Yoel Steinberg
DBA CupK Kosher Supervision
1823 53rd Street
Brooklyn, NY 11204



Date: January 19, 2016

Michael R. Friscia